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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

LEHMAN BROTHERS HOLDINGS INC., *et al.*,

Debtors.

Chapter 11 Case No.  
08-13555 (JMP)  
(Jointly Administered)

**MOTION PURSUANT TO SECTIONS 105(a) AND 107(b) OF THE BANKRUPTCY  
CODE AND BANKRUPTCY RULE 9018 FOR AN ORDER AUTHORIZING  
MOVANT ERNST & YOUNG LLP TO FILE UNDER SEAL AN UNREDACTED  
VERSION OF ITS RESPONSES AND OBJECTIONS TO THE EXAMINER'S  
SUBPOENA FOR RULE 2004 EXAMINATION**

TO: THE HONORABLE JAMES M. PECK  
UNITED STATES BANKRUPTCY JUDGE

By and through its counsel, Ernst & Young LLP ("EY") hereby respectfully requests leave of Court, pursuant to 11 U.S.C. §§ 105(a) and 107(b) and Bankruptcy Rule 9018, to file under seal an unredacted version of its Responses and Objections to the Examiner's Subpoena for Rule 2004 Examination (the "Responses and Objections") and states:

1. On May 29, 2009, Anton R. Valukas, the appointed examiner (the "Examiner") for Lehman Brothers Holdings Inc. and its affiliated debtors, served upon EY a subpoena for Rule 2004 Examination (the "Subpoena").

2. Pursuant to Paragraph 6 of this Court's February 11, 2009 Order granting the Examiner's Motion Directing the Production of Documents and Authorizing the Examinations of

the Debtors' Current and Former Officers, Directors and Employees, and Other Persons and Entities (Dkt. #2804 (directing parties to file with the Bankruptcy Court an objection or response to a subpoena)), EY has filed responses and objections to the Subpoena.

3. The Responses and Objections reference certain statements made by the Examiner to EY regarding potential claims the Examiner is investigating.

4. In order to maintain the confidentiality of those statements, the version of the Responses and Objections that EY has filed contains minor redactions.

5. EY respectfully requests leave to file under seal an unredacted copy of the Responses and Objections.

Dated: June 8, 2009  
New York, New York

**LATHAM & WATKINS LLP**

By: s/ Robert J. Rosenberg  
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